

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

UNITED STATES OF AMERICA

vs.

(1) JOE ALBERT SMITH

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NO: MO:10-CR-00059(1)-RAJ

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS
OF FACT AND RECOMMENDATION ON FELONY GUILTY PLEA
REGARDING COUNT ONE OF THE INFORMATION**

On this day, the Court considered the Findings of Fact and Recommendation of the United States Magistrate Judge regarding Defendant's plea of guilty to Count ONE of the INFORMATION in the above-numbered cause. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Magistrate Judge recommends that the Court accept the plea agreement and the guilty plea of the Defendant.

No objections have been filed to the Magistrate's Findings and Recommendation within the time period set by law, and neither party has requested a *de novo* review of the plea proceedings before the Magistrate. If a *de novo* review becomes necessary at any point during the pendency of the cause, the Court reserves the right to conduct it. Based on the current record before the Court, since it appears that the Findings and Recommendation are neither clearly erroneous nor contrary to law, the Court is of the opinion that said Findings and Recommendation should be adopted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge filed February 17, 2010, are hereby ADOPTED.

It is further ORDERED that the Defendant's guilty plea is accepted and approved by the Court.

It is finally ORDERED that, pursuant to Defendant's plea agreement, the Court finds Defendant GUILTY on Count ONE of the INFORMATION in the above-numbered cause and enters a JUDGMENT OF GUILTY against the Defendant as to Count ONE.

SIGNED this 1010th day of March, 2010.


ROBERT JUNELL
UNITED STATES DISTRICT JUDGE